that, before the decree was executed, the debtor became bankrupt. It was, therefore, very necessary to issue stringent orders for the prompt execution of decrees.

DEWAN : Mr. Bhagavatiperumal Chettiyar, you want to solve straight-away twenty-three matters.

The member represented that the difficulties pointed out by him were actually experienced by the people and involved a lot of expenditure.

DEWAN : If you select any three of the most important and urgent of your subjects, and write to the Chief Secretary to Government about them, I shall devote special attention and issue orders before the year closes.

The member said that he would do so.

39. Judicial Administration.

MR. R. SANKARANARAYANA AIYAR (*Member, Municipal Council, Trivandrum*) said that the well-being and prosperity of the people depended upon the efficient administration of the Judicial Department. It was therefore highly necessary to select officers of character and capacity for the department. The existing departmental machinery was defective, with the result that the people were gradually losing confidence in the judicial administration. The ministerial staff in the department was inefficient and corrupt owing to the lack of control exercised by the High Court over the subordinate judiciary, both civil and criminal. This laxity was bound to continue so long as the department was governed by six Judges of the High Court. No department, in his opinion, could be properly governed by a board of several officers working in conjunction even in regard to the details of the department. It would be better if one of the six judges be appointed in turn as a Departmental Judge and all the subordinate courts, both civil and criminal, be placed under his control. Barring questions of general policy affecting the department as a whole, the details regarding the working of the department should be entrusted to that one officer. He should be directed to make frequent inspections of courts. The existing system of inspecting the courts once in two years during the mid-summer vacation was of little value.

All Magistrates' Courts should be placed directly under the control of the High Court, the Magistrates being appointed by the High Court in the same way as Munsiffs.

The appointment of officers on a communal basis had not a little to do with the deterioration of the department. But it was happy to find that a change in the outlook had taken place as would be evidenced from the pronouncement in the Legislative Council on this subject.

The hardships caused to the litigant public on account of delay in the disposal of suits were many. Justice delayed was justice denied. The various technicalities involved in the provisions of law and the slow and crawling way in which cases were disposed of rendered it impossible for the people to get justice from courts. Ordinarily, the duration of a suit till the execution of the decree was about 10 years. As a result of several representations suggesting remedies for the delay, the Government had resolved to appoint a Law's Delays Committee ; but the proposal was dropped because the Legislative Council did not vote funds for the committee. But from the speeches delivered by the members of the Council, it was clear that their objection was to a *costly* committee and it was not their idea that nothing should be done to remove law's delays. Everybody agreed that something should be done to eradicate delays. It was not his view either that a *costly* committee should be appointed ; but it was absolutely necessary that persons with experience should put their heads together and devise methods for solving this difficult problem. The matter should, therefore, be reconsidered and a committee immediately constituted. It was also his desire that the High Court be directed to see that no court kept appeals of more than two years' duration on its file.

Another source of hardship was the delay in the execution of decrees. To obtain a decree was much easier than to reap its fruits. Ordinarily, it took ten years

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for the execution of a decree and the realisation of the decree debt, although there were decrees more than twenty-five years old. The judicial officers paid more attention to the enquiry side of a case than to its execution side. To remedy this state of affairs, the member made the following suggestions :—

(1) In places where there were three Munsiffs' Courts, one court should deal only with execution cases.

(2) In places where there were two such courts, one court should be asked to set apart three full days in the week for execution work alone.

(3) In places where there was only one Munsiff's Court, at least one day in the week should be completely set apart for such work.

(4) In District Courts, separate days should be allotted for execution work.

(5) The pernicious practice of trying execution cases in chambers should be stopped, all such cases being tried only from the bench.

A third source of hardship was the hasty disposal of cases towards the latter half of each 'quarter month'. Dismissal of cases for defaults, refusal of adjournment petitions and the shutting out of evidence would characterise the presiding officer of a court during that period. The practice was more glaring in criminal courts than in civil courts. All that could easily be avoided if presiding officers attended courts punctually at 11 o'clock in the morning and began work at 11-30 A. M. and finished at 5 P. M. Some officers attended courts only at 1 P. M. Another way of minimising this haste was to entrust some of the work attended to by the Judge in chambers to the head ministerial officer of the court.

Want of proper adjustment of territorial jurisdiction of Magistrates was also a source of inconvenience to the litigant public. The jurisdiction of a Magistrate need not necessarily be co-extensive with that of a Tahsildar. As far as possible, courts should be located in places centrally situated. As an instance of want of proper adjustment of jurisdiction, the member pointed out the anomaly of a man from Neeramankarai, on the eastern side of the Karamanai bridge, being forced to file his complaint in the Neyyattinkara Magistrate's Court, 12 miles away, while the Trivandrum Magistrate's Court was only a mile away.

Recruitment to the Magistracy was not satisfactory. The appointment of clerks from the Secretariat and the Account Office as Magistrates and of others on a communal basis had contributed not a little to the inefficient working of Sub-Magistrates' Courts. In his opinion, 75 per cent. of the Magistrates should be recruited from the bar. The question was brought forward by Mr. T. J. Matthew at the Legislative Council and was lost only by the casting vote of the Deputy President. The pay of the Magistrates should at least be equalised with that of a first grade Police Inspector. As it was, Sub-Magistrates were police-ridden. The work of a Sub-Magistrate was in no way inferior to that of a Munsiff. If the salary be raised, experienced and capable High Court Vakils would come forward to accept the places of Magistrates.

Although the Government had effected some improvements in regard to the treatment of under-trial prisoners, one urgent reform was still necessary *viz.*, keeping such prisoners in places where the police had no access. In British India, they were kept in separate jails and the same practice should be followed in Travancore as well. He urged also the adoption of the more salient features of the reforms introduced in British India for the treatment of under-trial prisoners.

Crown prosecutions in Second Class Magistrates' Courts were shabbily conducted. The conduct of such prosecutions was left to the head constables and constables, the Inspectors of Police finding time only to attend First Class Magistrates' Courts. Either the number of Prosecuting Inspectors should be increased or Crown prosecutions should be entrusted to vakils of experience.

The minimum qualification in force for the admission of students to the Pleadership Classes of the Law College was low. Students passing the School Final Examination had not sufficient knowledge to enable them to undergo training in the

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Law College. The court language being English, the vakils had to argue in that language. To enable them to do this a higher general qualification was necessary. The minimum qualification should, therefore, be a pass in the Intermediate Examination. The proposed reform would also serve to reduce the number of second grade pleaders and, to some extent, solve the problem of unemployment among vakils. The Government could also effect a saving in the expenditure on the Law College by having combined classes for the Pleadership and for the E. L or B. L. students.

The last point mentioned was that Munsiffs' Court vakils of standing should be allowed to practice in District Courts.

DEWAN'S REPLY: Mr. Sankaranarayana Aiyar, you began with a sweeping assertion of general corruption among the ministerial establishment in courts. I would have been able to pay some attention to that matter if you had given specific instances.

MEMBER: The difficulty, Sir, is the provision in the Penal Code which provides for the prosecution of the persons who offer bribes also. If that provision in the Penal Code is done away with, then I am sure many persons will be coming forward with specific instances.

DEWAN: Till you give me a single specific instance, I am afraid I cannot endeavour to capture clouds and bottle them up to make them rain. The thing is much too vague.

I heard you, very frequently, saying that the Government should 'direct' the High Court. Let me make it quite clear that the Executive does not in matters like this 'direct' the highest tribunal in the land.

You next suggested that a single Judge of the High Court should be detailed to devote his whole time and energy to look after departmental matters. In other words, you want the conversion of a High Court Judge into a high ministerial officer. I do not think the object of recruiting High Court Judges is that. All the High Court Judges should equally share the burden of administrative work. I think it is a matter which we can, with complete safety and confidence, leave to the high and exalted body of the High Court.

The Trivandrum District Magistrate tells me that there is no necessity for revising the jurisdiction of any Magistrate in his District.

MEMBER: I pointed out a specific instance of a person, living near Karamanai, who, though he will have to walk only a mile if his place had been within the jurisdiction of the Trivandrum Town Magistrate's Court, has now to walk 12 miles to the Neyyattinkara Magistrate's Court.

DEWAN: But the line has to be drawn somewhere. The convenience of some people may mean the inconvenience of some others.

As for placing the Magistracy under the High Court, I must remind you that Magistrates and Magistracy form part of the Executive; and it is necessary that they do their work along with the Executive.

The High Court is already considering the question of raising the qualification for admission to the Pleadership Classes of the Law College. The High Court is also taking steps to issue licenses to the Munsiffs' Court Vakils for appearing in District Courts.

MEMBER: I was all along looking at the clock and I thought I had two minutes more.

DEWAN: But I followed the time-piece on my table.

In regard to the under-trial prisoners, I quite agree with you. It is certainly desirable to provide separate accommodation for them. But that means heavy cost and new buildings all over the country, and also the employment of a new agency to be their custodians. If you will write to the Chief Secretary, he will send you a copy of the Government order that has been issued for the betterment of the conditions of these under-trial prisoners.

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